

REMARKS

Applicants have amended claims 1, 19, 20, 22, 24-26, 28, 34, 36, 38 and 39 and canceled claim 6, therefore, upon entry of this amendment, Claims 1-5, 7-39, 46 and 47 are pending. Applicants respectfully request reconsideration and reexamination of the application.

Drawings:

Examiner indicated that the drawings filed on 5 February, 2002 were accepted.

Claim Rejections - 35 USC § 102:

Claims 1-39, 46 and 47 were rejected under 35 U.S.C. § 102(3) as being anticipated by U.S. Patent No. 7,124,195 to Roach et al. [herein referred to as "Roach"]. Applicant herewith amends independent claims 1, 19, 22, 26, 28, 34, 36, 38 and 39. Applicants therefore respectfully request that the Examiner withdraw the rejections.

Claims 1-5, 7-21, 34, 35, 46 and 47:

Applicants respectfully request that the Examiner enter amended Claims 1, 19, 20 and 34. The amendments do not add new subject matter. The amendments are supported in the specification at least at original claims 1, 6, 19 and 20 and at page 12, line 25 through page 14, line 7.

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Applicants respectfully submit that amended claims 1 and 19 are patentable over Roach. Roach does not disclose, teach or suggest each and every limitation of amended claims 1 or 19. For example, Roach does not disclose, teach or suggest at least the following limitations:

" . . . wherein the management center comprises a mapping engine for mapping trace routes between the management center and the at least one node and between the management center and the client in order to determine the optimal delivery route."

as recited in amended Claim 1, and:

" . . . the management center comprises a mapping engine for mapping trace routes between the management center and a plurality of nodes and for mapping trace routes between the management center and each of the plurality of clients in order to determine a first optimal node in a first optimal delivery route to a first client and to determine a second optimal node in a second optimal delivery route to a second client."

as recited in amended claim 19; and

" . . . wherein determining an optimal delivery route comprises mapping trace routes between the management center and the first client and mapping trace

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routes between the management center and a plurality of nodes."

as recited in claim 34.

Roach states that the, "partnership of routing tables stored in the routers identifies the shortest route to an end user. The partnership of tables is pre-established during set-up because once a connection is established, a virtual connection is provided between the BIntU transceiver and the data distribution center. The data forming the return packets are transmitted from the BIntU transceiver 110 to the data distribution center 104, as determined in an established routing table. The combined routers then provide a connection as per the routing table. Thus, UDPVA is a connection-oriented protocol."

Roach does not disclose that "the management center comprises a mapping engine for mapping trace routes" as recited in claims 1 and 19 or "mapping trace routes between the management center and the first client and mapping trace routes between the management center and a plurality of nodes" as recited in Claim 34. In Roach, a partnership of tables was "pre-established during set-up." Roach does not disclose, teach or suggest "mapping trace routes between the management center and the at least one node and between the management center and the client in order to determine the optimal

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delivery route" as recited in Claim 1 or "mapping trace routes between the management center and a plurality of nodes and for mapping trace routes between the management center and each of the plurality of clients in order to determine a first optimal node in a first optimal delivery route to a first client and to determine a second optimal node in a second optimal delivery route to a second client" as recited in Claim 19 or "mapping trace routes between the management center and the first client and mapping trace routes between the management center and a plurality of nodes" as recited in Claim 34.

Therefore, Applicants respectfully submit that Claims 1, 19 and 34 patentably distinguish over Roach and that corresponding dependent Claims 2-5, 7-18, 46, 47, 20, 21 and 35 are also distinguishable for at least the same reasons. Therefore, Applicants respectfully request that the Examiner allow Claims 1-5, 7-21, 34, 35, 46 and 47.

Claims 22-27:

Applicants respectfully request that the Examiner enter amended Claims 22, 24, 26 and 27. The amendments do not add new matter. The amendments are supported in the specification as filed, at least at original claims 22, 24, 26 and 27 and at page 12, line 25 through page 14, line 7.

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Applicants respectfully submit that amended claim 22 is patentable over Roach because Roach does not disclose, teach or suggest all of the limitations of amended claim 22. For example, Roach does not disclose, teach or suggest at least the following limitations:

" . . . wherein determining the optimal delivery route comprises mapping trace routes between a management center and a plurality of nodes and between the management center and the client to determine an optimal node."

as recited in claim 22, and:

" . . . wherein determining the first optimal delivery route comprises mapping trace routes between a management center and a plurality of nodes and between the management center and the first client to determine a first optimal node."

as recited in claim 26.

Therefore, Applicants respectfully submit that Claims 22 and 26 patentably distinguish over Roach and that corresponding dependent Claims 23-25 and 27, respectively, are also distinguishable for at least the same reasons. Therefore, Applicants respectfully request that the Examiner allow claims 22-27.

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Claims 28-33 and 36-38:

Applicants respectfully request that the Examiner enter amended Claims 28, 36 and 38. The amendments do not add new matter. The amendment is supported in the specification as filed, at least at original claims 28, 36 and 38 and at page 14, lines 3-14 and page 30, lines 1-14.

Applicants respectfully submit that amended Claims 28, 36 and 38 are patentable over Roach because Roach does not disclose, teach or suggest all of the limitations of amended claim 28. For example, Roach does not disclose, teach or suggest at least the following limitations:

" . . . comparing results of the trace route from the management center to the client to results of a plurality of trace routes from the management center to a plurality of nodes within the network to provide a hierarchical estimate of a plurality of more efficient network links from nodes within the network to the client . . . ."

as recited in Claims 28 and 36, and

" . . . comparing results of the trace route from the management center to the first and second computing devices to results of a plurality of trace routes from the management center to a plurality of nodes within the

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network to provide a hierarchical estimate of a plurality of more efficient network links from nodes within the network to the first and second computing devices."

as recited in Claim 38.

Roach states that the, "partnership of routing tables stored in the routers identifies the shortest route to an end user. The partnership of tables is pre-established during set-up because once a connection is established, a virtual connection is provided between the BIntU transceiver and the data distribution center. The data forming the return packets are transmitted from the BIntU transceiver 110 to the data distribution center 104, as determined in an established routing table. The combined routers then provide a connection as per the routing table. Thus, UDPVA is a connection-oriented protocol." Roach does not disclose that "comparing results of the trace route from the management center to the client to results of a plurality of trace routes from the management center to a plurality of nodes within the network to provide a hierarchical estimate of a plurality of more efficient network links from nodes within the network to the client," as recited in Claims 28 and 36 or "comparing results of the trace route from the management center to the first and second computing devices to results of a plurality of trace routes from the management center to a plurality of nodes

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within the network to provide a hierarchical estimate of a plurality of more efficient network links from nodes within the network to the first and second computing devices" as recited in claim 38.

Therefore, Applicants respectfully submit that Claims 28, 36 and 38 patentably distinguish over Roach and that corresponding dependent Claims 29-33 and 37, respectively, are also distinguishable for at least the same reasons. Therefore, Applicants respectfully request that the Examiner allow claims 28-33 and 36-38.

Claim 39:

Applicants respectfully request that the Examiner enter amended Claim 39. The amendment does not add new subject matter. The amendment is supported in the specification at least at original claims 39 and page 12, line 25 through page 14, line 14.

Applicants respectfully submit that amended claim 39 is patentable over Roach. Roach does not disclose, teach or suggest each and every limitation of amended claim 39. For example, Roach does not disclose, teach or suggest at least the following limitations:

" . . . wherein the optimal delivery route is determined by performing mappings to and from the at

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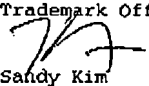


least one router device and the management center and performing mappings to the client from the management center and comparing results of the mappings to the client from the management center to the results of the mappings to and from the at least one router device and the management center."

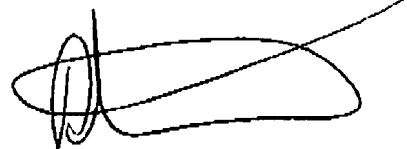
as recited in Claim 39.

Therefore, Applicants respectfully submit that Claim 39 patentably distinguishes over Roach. Therefore, Applicants respectfully request that the Examiner allow claim 39.

Accordingly, Applicants respectfully submit that Claims 1-5, 7-39, 46 and 47 are in proper form for allowance. Reconsideration and withdrawal of the rejections are respectfully requested and a timely Notice of Allowance is solicited. If there are any questions regarding any aspect of the application, please call the undersigned at (949) 752-7040.

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